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9 **Attorneys for Defendants**
10 **PNC BANK, NATIONAL ASSOCIATION,**
11 **as successor by merger to NATIONAL**
12 **CITY BANK previously dba “NATIONAL**
13 **CITY MORTGAGE”**

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

16 **STEVEN YEAGER and MARINA LUNA,**

17 **Plaintiffs,**

18 **v.**

19 **PNC MORTGAGE, a Delaware LLC dba**
20 **NATIONAL CITY MORTGAGE, and DOES**
21 **1 to 25, inclusive,**

22 **Defendants.**

Case No. 3:10-CV-01195 SI

(Sonoma Superior Court No.: SCV 246724)

STIPULATION AND ORDER
CONTINUING HEARING ON MOTION
TO DISMISS FIRST AMENDED
COMPLAINT AND CASE MANAGEMENT
CONFERENCE IN LIGHT OF PENDING
SETTLEMENT

23 **TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD,**
24 **AND TO THE HONORABLE COURT:**

25 This Stipulation is made by and between Plaintiffs STEVEN YEAGER and MARINA
26 LUNA (“Plaintiffs”) and Defendant PNC BANK, NATIONAL ASSOCIATION (“PNC”) by and
27 through their respective counsel of record. Plaintiffs and PNC agree and stipulate as follows:

- 28
- A. The hearing on PNC’s motion to dismiss the First Amended Complaint is currently set for October 26, 2010.
- B. The Case Management Conference in this matter is also currently scheduled for October 26, 2010.

- 1 C. On or about September 28, 2010, Plaintiffs and PNC reached a settlement in principle
 2 of this matter, subject to the execution of an agreed upon form of release.
- 3 D. On or about September 28, 2010, in light of the settlement in principle, the parties
 4 agreed that both the hearing on PNC's motion to dismiss the First Amended
 5 Complaint and the Case Management Conference should be continued at least two
 6 months to December 28, 2010 or to a date as soon thereafter as is available with the
 7 Court, to allow the parties time to complete and execute release language and pursue
 8 completion of the terms of the anticipated settlement agreement.

9 WHEREFORE, Plaintiffs and PNC agree and stipulate that both the hearing on PNC's
 10 motion to dismiss the First Amended Complaint and the Case Management Conference should be
 11 continued at least two months to December 28, 2010 or to a date as soon thereafter as is available
 12 with the Court, with all deadlines for related pleadings including but not limited to any case
 13 management statements, oppositions or reply briefs reset accordingly.

14
 15 DATED: September 28, 2010

WOLFE & WYMAN LLP

16
 17 By: /s/ Joshua M. Bryan (SBN 225230)
 18 STUART B. WOLFE
 19 JOSHUA M. BRYAN
 20 **ATTORNEYS FOR DEFENDANT**
PNC BANK, NATIONAL ASSOCIATION

21 DATED: September 28, 2010

HENDRICKSON LEGAL SERVICES

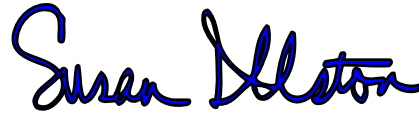
22
 23 By: /s/ John Hendrickson (SBN 257298)
 24 JOHN HENDRICKSON
 25 **Attorney for Plaintiffs**
STEVEN YEAGER and
 26 **MARNIA LUNA**

ORDER ON STIPULATION

The Court, having reviewed the stipulation of Plaintiffs and PNC BANK, NATIONAL ASSOCIATION ("PNC"), and good cause appearing therefore, ORDERS that both the hearing on PNC's motion to dismiss the First Amended Complaint and the Case Management Conference are hereby continued to December ¹⁶~~28~~, 2010, with all deadlines for related pleadings including but not limited to any case management statements, oppositions or reply briefs reset accordingly.

IT IS SO ORDERED.

DATED: _____



JUDGE OF THE DISTRICT COURT